IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.435 OF 2006
IN
SUIT NO. 397 OF 2006

Idea Cellular Ltd. ..Plaintiff

Vs.

Vincent Peeris and Ors. ..Defendants

Mr. Virag Tulzapurkar i/b M/s.Amarchand & Mangaldas & S.A.Shroff and Co. for Plaintiff

CORAM: S.A.BOBDE,J.
DATE : FEBRUARY 06, 2007

P.C.

1. On 15.2.2006, this Court granted an ad-interim injunction in terms of prayer clauses (a) and (b). The defendants did not appear even at that stage though served. The plaintiff seeks an injunction restraining the defendants from in any manner using "www.idea.in" domain or any other domain containing the word "idea" or any other deceptively similar name.

2. It is pointed out that the defendant no.1 is a Srilankan and is not entitled to use the ".in" domain and the domain ".in" was introduced "to

ensure that Indian (individuals, government entities, public service organizations, business houses etc.) across the country would have a distinct identity as Indians with a unique ".IN" domain. The purpose behind creation of the ".IN" domain name was to establish it as a globally recognised symbol of India’s growth in the field of Information Technology". It appears from the paragraph 13 of the plaint that the defendants had wrongfully occupied "www.idea.in" because of which, the plaintiff could not get registration of the same. The plaintiff has stated in paragraph 13 that they have secured registration of "26 domains" of the word "idea" with some variations with ".in" extension including "www.idea.in". They could not, however, get the "www.idea.in" since the 1st defendant had got it wrongfully registered in his name. The learned counsel for the plaintiff submits that defendant is not entitled to have this registration since "idea" is associated with the plaintiff in India and Srilanka. Apparently, after this Court granted ad-interim relief, the defendant no.1 was granted registration wrongly by the 3rd defendant. This has been rectified lateron and presently according to the plaintiff, the defendant

no.1 does not have any such registration.

3. In the above circumstances, it would be open to the plaintiff to press for and for the 3rd defendant to grant registration to the plaintiff for the domain "www.idea.in" in accordance with law. Having regard to the prima facie case made out by the plaintiff and the uncontroverted averments in the affidavit in support of Notice of Motion, it is approrpiate in the interest of justice to grant injunction in terms of prayer clauses (a) and (b) pending the suit. Order accordingly.

[S.A.BOBDE, J.]